

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:19-cr-25-J-32PDB

DARRYL GRAY SMITH, JR.

ORDER

Defendant filed a Motion to Suppress Statements (Doc. 27). Following an evidentiary hearing (Doc. 42), the Magistrate Judge made a Report and Recommendation that the motion be denied (Doc. 45). Defendant objected (Doc. 51) and the government responded (Doc. 53). The motion is now before the undersigned for de novo review.

It is debatable whether law enforcement's aggressive manner in arresting defendant was necessary. However, the Magistrate Judge's conclusion that the manner of arrest did not affect the voluntariness of Defendant's waiver of his Miranda rights is supported by the facts and the law. It is hereby

ORDERED:

1. Defendant's Amended Objections to the Report and Recommendation (Doc. 51) are **OVERRULED**.

2. The Magistrate Judge's Report and Recommendation (Doc. 45) is **ADOPTED** as the opinion of the Court.

3. Defendant's Motion to Suppress Statements (Doc. 27) is **DENIED**.

DONE AND ORDERED in Jacksonville, Florida this 16th day of December, 2019.



TIMOTHY J. CORRIGAN
United States District Judge

md
Copies:

Honorable Patricia D. Barksdale
United States Magistrate Judge

Ashley Washington, AUSA

Mark Rosenblum

Defendant